

REMARKS

Claim Status

Claims 2-14 and 16-27 are pending. Claims 2, 3, 6-10, 12, 14, and 17-27 stand rejected under 35 U.S.C. § 103 as allegedly being obvious over U.S. Patent No. 6,257,763 to Stolmeier et al., hereinafter "Stolmeier" in view of U.S. Patent No. 4,481,669 to Pezzana et al., hereinafter "Pezzana." Claims 5, 11, 13, and 16 stand objected to but allowable if rewritten appropriately. Applicant appreciates the examiner's indication of allowable subject matter.

Claims 26 and 27 have been amended. No new matter has been added. Support for the amendments can be found in the application as originally filed at least at FIGs. 7, 9, and 11.

Rejection under 35 U.S.C. § 103

Independent Claims 26 and 27

Independent claims 26 and 27, as amended, includes features that are neither disclosed nor suggested by the cited references, either taken alone or in combination, namely as represented by claim 26:

26. (Currently Amended): A plastic bag comprising:
a pair of sides defining an openable mouth along one margin of the sides;
at least one seal extending parallel to said margin; and
a ***tag accessible from the exterior of the bag*** and located within the length of said at least one seal, ***the tag being of a width to extend over only a portion of the length of the seal*** and being folded in a generally M-shaped configuration in cross-section to define two outside legs and two inside legs located between the outside legs, with outside surfaces of the outside legs of the tag being sealed to the bag sides at said at least one seal, whereby the inside legs of the tag can be manually withdrawn from between the outside legs and the outside legs can be separated to permit access to the interior of the bag. (emphasis added)

Stolmeier does not disclose or suggest a tag accessible from the exterior of a bag or the tag being of a width to extend over only a portion of the length of a seal, as recited by the claims. Stolmeier describes a film material 100 which lies between the flanges of the zipper strips 125 (Stolmeier at figures 11, 12 and 13). Film material 100 is an ***internal*** tamper-

evident feature and therefore is not accessible from the exterior of the bag, as recited by the claims. Moreover, film material 100 of Stolmeier extends the *full width* of the seal and therefore does not extend over only a portion of the length of the seal, as recited by the claims.

(It is also pointed out that the web portion between the zipper strips could be described as M-shaped only in figure 13 of Stolmeier and not so described in either figure 11 or figure 12 where the shape is somewhat similar to an inverted "U" and an inverted "V" respectively. The examiner appeared however to apply all three figures equally against claims 26 and 27 before amendment.)

Pezzana does not cure the deficiencies of Stolmeier. Pezzana discloses multilayer bags but does not disclose a tag accessible from the exterior of a bag or the tag being of a width to extend over only a portion of the length of a seal, as recited by the claims.

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not disclose or suggest the features of independent claims 26 or 27. Additionally, inasmuch as dependent claims 2-14 and 16-20 (which have also been rejected or objected to) are dependent on claim 26 or 27, these claims are patentable over the cited references, at least by virtue of their dependency. Accordingly, applicant respectfully requests reconsideration and withdrawal of the objections to and/or the rejections of claims 2, 3, 6-10, 12, 14, and 17-20 under 35 U.S.C. § 103.

Independent Claim 21 and Dependent Claim 9

Independent claim 21 and dependent claim 9 includes features that are neither disclosed nor suggested by the cited references, either taken alone or in combination, namely as represented by claim 21:

21. (Original): *Tag* material comprising an elongate strip comprising a *first layer* having an outside surface suitable to be sealed to a web of plastics material *and a second layer* having an outside surface having peel-seal properties, wherein the strip is folded about its longitudinal axis into a generally M-shaped configuration with the first layer on the outside and with the outer legs of the folded strip extending beyond the tuck. (emphasis added)

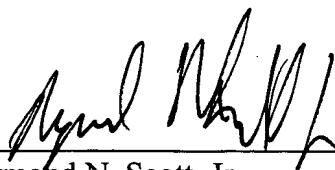
Pezzana discloses multilayer *bags*. Assuming *arguendo* that there is some motivation or suggestion to combine Pezzana with Stolmeier, such combination would not result in a laminated *tag*, but would result in a multilayer *bag*. Moreover, both Pezzana and Stolmeier lack anything to be regarded as a *tag*. The examiner reads Stolmeier's curved region 101 of film material 100 onto the recited "tag" (Office Action at page 2). Applicant respectfully submits that Stolmeier's film material 100 is an internal tamper-evident feature and is not a "tag."

Accordingly, applicant submits that the cited references, either taken alone or in combination, do not disclose or suggest the features of independent claim 21 and dependent claim 9. Additionally, inasmuch as dependent claims 22-25 (which have also been rejected or objected to) are dependent on claim 21, these claims are patentable over the cited references, at least by virtue of their dependency. Accordingly, applicant respectfully requests reconsideration and withdrawal of the objections to and/or the rejections of claims 9 and 21-25 under 35 U.S.C. § 103.

Conclusion

For the foregoing reasons, applicant respectfully submits that the present application is now in condition for allowance. Reconsideration of the Office Action and an early Notice of Allowance are respectfully requested. In the event that the examiner cannot allow the present application for any reason, the examiner is encouraged to contact the undersigned attorney, Raymond N. Scott Jr. at (215) 564-8951, to discuss resolution of any remaining issues.

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